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REQUEST FOR FILING A PATENT APPLICATION UNDER 37 C.F.R.
§1.53(b)

1129 U.S. PTO
09/28/01

Attorney Docket: 622/43770CO

JC6221 U.S. PRO
09/28/01

09/28/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box PATENT APPLICATION
Commissioner for Patents
Washington, D.C. 20231

September 28, 2001

Sir:

This is a request for filing a X continuation application under 37 C.F.R. 1.53(b), of pending prior application:

Serial No. 09/537,292
Filed on March 29, 2000
Of Hans BRAENDLE, et al.
Entitled: TOOL WITH TOOL BODY AND PROTECTIVE LAYER SYSTEM
Examiner: Blackwell Rudasil, G.
Group: 1775

X 1. Accompanying this order is a true copy of the prior application as originally filed.

Total pages 1-24, plus 4 pages of Formal Drawings showing Figs. 1-5 and Appendix A pages 1-24.

 2. New Formal drawings are being filed herewith consisting of sheet(s), depicting Figures .

X 3. Declaration and Power of Attorney:

a. Newly executed (original or copy)

b. X Copy from prior application

i. Deletion of Inventors - signed statement attached deleting inventor(s) named in the prior application

X 4. Incorporation by Reference:

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 3b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

- 5. Cancel original claims .
- 6. Small entity status:
 - a. A small entity statement is enclosed
 - b. A statement of small entity status (copy attached) was filed on _____ in the prior application and status as a small entity is still proper and desired.
 - c. Is no longer claimed
- 7. The filing fee is calculated below:

**CLAIMS AS FILED, INCLUDING ANY CLAIMS
CANCELLED OR ADDED BY PRELIMINARY AMENDMENT**

Basic Fee		\$355	\$710
Total Claims	21 - 20 = _____ x 9 = \$	18 = \$	
Ind. Claims	1 - 3 = _____ x 40 = \$	80 = \$	
	Multiple Dependent Claims + 135 = \$	270 = \$	
	Total	\$	\$710.00

- 8. Please charge my Deposit Account No. 05-1323 (Docket # _____) in the amount of \$ _____.
- 9. A check in the amount of \$ 710.00 to cover the filing fee is enclosed.
- 10. The Commissioner is authorized to charge any fee which may be required under 37 CFR 1.16 or 37 CFR 1.17 or credit any overpayment to Deposit Account No. 05-1323 (Docket #622/43770C0).
- 11. Amend the specification by inserting before the first line the sentence: --This application is a continuation of application Serial No. 09/537,292, filed March 29, 2000.--

12. Priority of Appln. No(s). ___, filed in ___ on ___, is hereby claimed under 35 U.S.C. 119.
13. A certified copy of each said priority document was filed in application Serial No. ___ on ___.
14. The prior application is assigned of record to Balzers Aktiengellschaft.
15. The power of attorney in the prior application is to:

Herbert I. Cantor, Reg. No. 24,392; James F. McKeown, Reg. No. 25,406; Donald D. Evenson, Reg. No. 26,160; Joseph D. Evans, Reg. No. 26,269; Gary R. Edwards, Reg. No. 31,824; and Jeffrey D. Sanok, Reg. No. 32,169.

- a. The power appears in the original application papers in the prior application.
- b. Since the power does not appear in the original application papers, a copy of the power in the prior application is enclosed.
- c. Attached is a duplicate of a Supplemental Declaration which was filed in the prior application to overcome informalities.
- d. Address all future correspondence to:

CROWELL & MORING, L.L.P.
P.O. Box 14300
Washington, DC 20044-4300

16. Forms PTO-892 and PTO-1449 listing prior art made of record in the prior application are attached. A copy of each of the listed references should be available in the prior application file.
17. A Preliminary Amendment is being filed herewith.

18. Return Receipt Postcard.

19. Other: _____

Respectfully submitted,



James F. McKeown
Registration No. 25,406

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Washington, D.C. 20005
Tel: (202) 624-2500
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JFM:cdh